

A WORD to the
Wiser JACOBITES,
Worthy their Perusal
Over a Sober Dish of Coffee.

Being a SHORT THEORY of the *Present Establishment*,
Shewing its Righteousness; That all may Rejoice, and Pray
in Faith, for its PEACE.

22. Oct. 1697.

By W. B.

IN War, all things in Effect follow the Will of the strongest, so far as his force reaches; but in Peace, Right must Rule; otherwise Peace is so far lost, or turned into a Confederacy in Iniquity. That Peace may therefore be a Blessing, and do us good in the issue of Things; it must be in Conjunction with Righteousness. But because some think this impossible in the Peace of the Present Establishment, others are doubtful about it, others believe it may be, but upon such Principles, as being practised upon, would destroy all Peace: To secure therefore the Blessing of our Peace the better (since God hath at last granted it to the Prayers of good Men) it may be of some use, briefly to shew the Righteousness of the Present Establishment, by its accord with the natural Laws of Right in God's Kingdom over Men.

To me it seems very plain, that a Man's Right in a thing is nothing but the Command, which his Will hath over that thing; and I know none otherwise minded: And it being so, (1.) I cannot understand, how the thing that is at the Command of no Man's Will, is in any Man's Right; and if it be not, it is in a State of Immunity. And, (2.) If any single Man comes afterward to have a thing such as the Command of his Will, he has the Right in it; therefore, nothing but Possession, which is the having a thing, at the Command of ones Will, is in Nature the Original Title of Right. This Possession happens either by natural Donation, or by Acquisition, which Acquisition is either by the exercise of a Man's natural Power, or the Act of another.

1. Excepting Parental Rights, or supposing them remitted by the Mancipation of the Child; pure Nature in the first instance makes a Man himself, and none other; the Master and Owner of his own Body and its Members, by putting them under the Command of his Will, and consequently gives him a Right and Property in them. Overlooking this, gave the fatal Occasion to an irreligious Man, to draw up that monstrous Doctrine of *Hobbs* his Politicks. For though it be not more evident, that the Boughs in the Wood belong to that Tree, which they grow upon, and none other; then it is evident, that Nature hath put my Limbs under the Command of my own Will, and of none others; yet he will have it, That Nature makes nothing one Mans (that is at the Command of one Man's Will) more than another.

2. If I command these Limbs by the Dictate of my Will to procure natural Sustainance, I do but make use of my own Right; and it is just, because the Use of a natural Right; and it is Good, because it is to save a Life; and delay what is just and Good, is the Exercise of a Virtue: So far Dominion is founded in Grace; for excepting a Man's Right in his own Body, or Rights conferr'd upon him by the Act of another; a Man hath no Dominion over any thing, but by the Exercise of this Virtue of Industry.

3. If by this exercise of Virtue, he compasses any thing (in a State of Immunity) useful for Life, a Beast, a Fowl, a Fish, Fruit, or the like; that is then reduced under the Command of his Will, and he hath therefore a Right in it; which Right being gained by the use of his natural Powers, may be called an acquired natural Right.

4. But that any thing was then in a posture and place where he could mancipation it, was to him a Contingency by the Disposition of Divine Providence: God therefore

brought such a thing to him, and delivered it into his Hand, and consequently gave him a Right to it by this providential Disposal, as he did to his own Body by framing his Humane Nature, from whence results the sacredness of natural Rights, and the Divine Blessing in them.

5. The Possession of a thing acquired by the voluntary Act of another, gives a Right liable to be rebated, and is actually rebated, so far as the several Cases make it.

6. If another Man sees me to want what he possesses, and will spare, and out of Commiseration puts the thing into my Hand, this Possession makes the thing in my Right: For tho' I ought to bless God for blessing him with such Store, and inclining his Heart, and thank the Man for bestowing it upon me; yet if I pay neither of these Debts, the thing is no less in my Right, and he would deprive me of my Right, should he take it from me, for this neglect of my Duty to God and him; because this was not the Condition of the things being put into my Power; but was left to the Pious and grateful Sense of my own Mind.

The same Measures held, and somewhat more strongly on both sides, if I receive his Alms upon my humbly Intraty, because I did hereby abuse my self to him, and he condescended to one, that was not only broken in his Fortune, but in his Spirit likewise.

7. If some grateful Sign of acknowledging it a kindness be stipulated for, as the Condition of delivering the thing into my Hand: Should I upon the Receipt of it fail in this, he hath a Right to require it of me, and I ought to restore it; but he hath no Right to take it from me by Violence or Surreption, and he deprives me of my Right, if he does.

8. If he signifies, he would not deliver it into my Hand, unless I will restore it, or an equivalent to him again; I am bound, if I take it, to Restoration accordingly; and if I do it not, he hath a Right of making Reprizals upon me, and I have none to hinder him.

9. But though I received it upon Condition of Restoration and no otherwise, should any other Man take it out of my Possession; he deprives me of my Right. And if he that possessed me of it, should Die without Heirs, before I actually had restored it; I am the proper Owner of it, merely by having it in my Possession. So much for Rights founded upon the Title of Possession, which are the Rights from which all others are derived.

10. If then another doth not actually put me into Possession of the thing, but Promises he will at such a Time; I have at that time a Right to the thing, but no Right to take it from him, but he is bound to deliver it unto me. But if I have given him a valuable Consideration for doing of it, and he does it not, I have a Right of Reprizal, and he hath none to hinder me; so that all Rights of this Nature, when the thing is not in the Owners Possession, are *Pactions*: of which there are two Kinds, either explicate, or implicitly; and if Candour, Equity, Sincerity, &c. be Vertues, there is no difference in the Obligation of an explicate or implicate Pact; and upon one of these two, are grounded all the Rights betwixt Subjects and Governours, and cannot be understood otherwise, for ought ever I could see.

11. Whether the Late King *James* dispossessed himself of his Kingdom, or was dispossessed by others, seeing he certainly now is not in the Possession of it; but another is, he can have no natural Right now by the Title of Possession.

and therefore King *James* hath no Right at all, unless what is Pactitious: But no Man hath any Right by Pact, but what is agreed to by the Parties contracting; now the Political Compact in *England* (since the Crown is Imperial) can have no Parties in it, but the King and the People; and therefore it must be either betwixt the King and the People, or else betwixt the People one with another.

12. Amongst these it is agreed, the People being distributed into Lords and Commons, shall give their Consent in two Estates; and unless these two Estates in Parliament with the King agree in the Matter, nothing shall be had to be an Article of the Agreement by the Authority of the Kingdom, which the Subject by his Allegiance or Duty of Subjection to the Sovereign is bound to observe. And therefore it is agreed, that the King shall govern thus by Laws, *Quas Populus ipse sibi elegerit.*

13. But it was never agreed explicitly or implicitly, betwixt King *James* and the People of *England*, that the Government should be administered by Popish Officers; but on the contrary, King *James* and the People were expressly agreed, that the Government of the Land should not be administered by Popish Officers. When therefore the Late King *James* after *Mommonth's* Invasion, did in his Speech declare to the People in Parliament (that is, the other Party in the Contract) that he would not Govern without Popish Officers, nor suffer any one to gain-say him in it, and proved he was in very great earnest by the rest of his whole Reign; he expressly disagreeing to the known and owned Agreement betwixt the King and People of *England*, there was thence forward no Agreement betwixt the King and People (the Parties Contracting) there was therefore no Government at all agreed unto betwixt them; not a Government administered without Popish Officers, for that the King had solemnly disagreed unto, and resolutely persisted in, all his Time: Not a Government administered by Popish Officers, for that the People (the other Party) had not consented to, and therefore (as I said) there was then no Government agreed to betwixt them: And because no practicable Government was agreed upon, there could be no Governour actually agreed to: For to Consent to a Governour, and not to the Government, is to Consent to nothing, but an insignificant Word.

14. As we see the People in a Political State, all making one Party contracting, did not Consent in Parliament: So in their natural Persons its certain, they had not agreed one with another, that the Government should be administered in King *James* his Reign by Popish Officers; wherefore there being no Agreement in the Nation about the Government of it, King *James* could from thence have no Right by Agreement; that is, he had no Pactitious Right to the Government; and since he hath none by the natural Right of Possession, its plain he hath no Right now to the Government of *England*.

15. When King *James* refused to stand to the National Compact, the People were put into a State of Deliberation; whether they would agree to King *James* his Government, or not; but there is no Reason to doubt, but they had their Choice, being certainly in no Agreement with King *James* about any Government at all: But though they could not be bound by the Rights of an Agreement about the Government, when there was no such Agreement; yet were they bound to observe all the private natural Rights by Possession, and the Pactitious Rights by Private Contracts amongst themselves.

16. And for the Re-establishing of the Government, the measures to be observed in a State of Deliberation (wherein Men must be supposed free) are Counsels directed by the Rule of Charity; the Sum of which is, to do that, which upon a true Estimation of all Particulars, is best for the whole: What that is, was difficult to be Resolved, whilst King *James* was upon the Throne; and therefore its no wonder, if even good Men differed in their Opinion about it, some being for establishing a new Governour, others not. But when that King was out of Possession, the Case was but thus (it being equally Just to have either) whether was most for the Good and Benefit of *England*, to have King *James*,

or the Prince and Princess of *Orange* established in the Government; and the Body of the Nation being Protestants, this was no hard Question to be Resolved.

17. King *James* his Refusal to stand to the Agreement taken precisely, is in strict Propriety not to be called a wrong to the People of *England*; but unkind, unmerciful, ungrateful, uncharitable, &c. For though the People are bound absolutely to obey according to the Agreement, yet the King by the Contract is not bound to govern, no not by the Coronation Oath; but only, if that he will govern, to govern no otherwise then is agreed; but he may Relinquish when he will without Violation of his Oath; which if he does, and the People have another Sovereign; if he would re-assume his Government, we are Traytors and Rebels, if we assist him to recover his Late Right: If he will attempt it by Force, he is to be Resisted as an Enemy; and so he is, if he attempt it, being fallen from his Right any other Way.

18. Because not the owning, but the sitting in a Seat, fills the Seat; if no one sits in the Seat, the Seat is empty, tho' it hath an owner; for he that sits in the Seat, hath the Seat in Occupation or Possession; if then no one hath the Throne in Possession, the Throne is plainly Vacant, whether it be Hereditary or no. But, unless the then Prince of *Orange* by taking upon him (at the Request of the Lords and others) the Administration of Publick Affairs, was in Possession of the Throne; it is certain, when King *James* had withdrawn himself out of the Kingdom, in the Manner he did; neither He, nor any one else, was in Possession: Therefore the Throne was then Vacant, according to the Lords and Commons Vote.

19. Both Houses acknowledging the Crown Hereditary; we must first observe, every Heir that inherits, enters by Virtue of a Right, that was inherent in the Dying Person, and by Death, and no other Way, immediately devolves upon him. So that no one can enter upon the Government by the Title of King *James* his Heir, whilst himself is Living; and since King *James* has lost his Right (as was shewed above) no Right of Governing inherent in him at his Death (*rebus sic stantibus*) can be derived from him to any Heir whatsoever; and because it is thus impossible for any to inherit the Crown from King *James* Living or Dying: when that King parted with the Right of the Government, as he did from himself, He likewise parted with it from his Heirs; having made it naturally impossible for the Crown to descend at all by the Right of Inheritance.

20. The Ground being Cleared, The Convention were to take Care to re-establish the Government for the good of the Nation. If then they left us not in Anarchy, but set up a Government, and that Monarchical, not Aristocratical, or Democratical; Hereditary, not Elective, in the Royal, and no other Family; by the next in the Right Line, as far as can be known, taking no Notice of one, of whom no Notice was or could be given sufficient for the reasonable belief of the main Body of the Nation; that is, if they placed one as the Presumptive Heir (when there was in Truth no Heir Apparent) upon the Throne of the Kingdom, and established the same Rights, Laws, Liberties, Privileges, and Religion, nothing could be more wisely ordered, so far as Man can see.

21. If the Throne was not filled by Virtue of the Heirs Title, as in an ordinary Case; King *James*, having rendered that impossible to be done in Nature, must bear the blame of that, the People of *England* are Free. The present King, and then Prince of *Orange*, had merited an Admission into a Consortship in the Sovereignty with his Wife, by the Judgment and joyful Acknowledgment, of the next in the Right Line; and the People, which accordingly was consented to by them the Parties in the Covenant. And the Princess being a Subject of *England*; as such, Consents to the Acts of the Legislator; and therefore all her Political Rights in the Kingdom, are secured, and none violated by the present Establishment; wherein, because all Rights are saved, which King *James* left naturally possible to be saved, may Heaven and Earth say *Amen*, *Amen*, to its Peace and Prosperity.